

HOUSE BILL REPORT

HB 1835

As Amended by the Senate

Title: An act relating to using respectful language in state laws.

Brief Description: Concerning the use of respectful language in state statutes.

Sponsors: Representatives Angel, Rolfes, Hinkle, Anderson, Haler, Short, Parker, Johnson, Bailey, Pedersen and Warnick.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/19/09 [DP].

Floor Activity

Passed House: 2/27/09, 94-0.

Senate Amended.

Passed Senate: 4/15/09, 46-0.

Brief Summary of Bill

- Directs the Code Reviser to replace the term "mental retardation" with "intellectual disability" in statutes, memorials, and resolutions.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst and Miloscia.

Staff: Tracey O'Brien (786-7196)

Background:

The Revised Code of Washington and the Washington Administrative Code both contain extensive references to various individuals with disabilities. With the exception of language used as a specific term of art for purposes of the criminal code and criminal sentencing, these references are generally not essential to describing the circumstances of the particular individual.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Recent legislation has adopted terms that emphasize the individuality of people, no matter what their physical characteristics. Older legislative language utilized terms appropriate to the moment, some of which are neither appropriate nor specifically necessary for the law.

In 2004 the Legislature passed House Bill 2663 which required the Code Reviser to avoid references to certain words frequently used to describe individuals with disabilities. The specific terms are disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled.

These terms are to be avoided in future laws as well as to be replaced in existing statutes as those statutes are amended by law. The replacement terms are "individuals with disabilities," "individuals with developmental disabilities," "individuals with mental disabilities," "individuals with mental illness," and "individuals with mental retardation."

Agency orders must also reflect the changes in language. Agencies must use respectful language in creating new rules or amending old rules.

Summary of Bill:

The preferred term to be used in statutes, memorials, and resolutions is changed from "individuals with mental retardation" to "individuals with intellectual disabilities." The Code Reviser must replace the term "mental retardation" with the term "intellectual disability."

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment requires the Code Reviser to submit a bill with recommendations to the Legislature by December 1, 2009, concerning the replacement of the phrase "mental retardation" with the phrase "intellectual disability" as well as any other perfecting changes to the Revised Code of Washington.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is about respecting individuals. Thousands of Washingtonians are either living with a disability or living with someone with a disability. Just because an individual acts or looks differently is no reason to treat that person differently. And the way we treat people is reflected in our laws. Washington uses the old and out-of-date term "mental retardation" which has been co-opted into becoming a derogatory term. This simple but important bill would be a great change for those with intellectual disabilities such as Down syndrome and autism.

(Opposed) None.

Persons Testifying: Representative Angel, prime sponsor; Robert Wardell; Diana Stadden, The Arc of Washington; Emily Rogers, Self Advocates in Leadership; Michael Rogers; and Cherie Tesso, People First of Washington.

Persons Signed In To Testify But Not Testifying: None.